

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PATRICIA KUBIAK,	:	Civil Action No.
	:	2:15-cv-00716-CB
Plaintiff	:	
	:	
v.	:	
	:	
VERDE ENERGY USA, INC.,	:	
	:	
Defendant.	:	

**DEFENDANT VERDE ENERGY USA, INC.'S
OFFER OF JUDGMENT**

Defendant VERDE ENERGY USA, INC. ("Verde") makes the following offer of judgment pursuant to Fed. R. Civ. P. 68:

1. PATRICIA KUBIAK is the Plaintiff in this action and asserts claims for the alleged violation of the Telephone Consumer Protection Act ("TCPA").
2. Verde makes this offer more than fourteen (14) days prior to trial.
3. Verde hereby offers to allow entry of judgment against it in the amount of five hundred and one dollars (\$501.00).

4. Verde agrees to comply with Plaintiff's request for injunctive relief in this action for Verde to cease and desist all calls by or on behalf of Verde to the telephone number provided by the Plaintiff: (xxx) xxx - 2815.

5. Verde agrees to pay the Plaintiff's 28 U.S.C. § 1920 costs accrued to date in this action. Attorney fees are not recoverable under the TCPA. Thus, Verde excludes attorney fees from its offer.

6. Verde's offer is unconditional and is made to fully and finally resolve all claims asserted against it in this action.

7. Verde's offer of judgment will remain open for fourteen (14) days after service on Plaintiff's counsel.

8. If Plaintiff does not accept this offer in writing within fourteen (14) days after service, then Verde's offer shall be deemed withdrawn in accordance with Fed. R. Civ. P. 68(b).

9. If Plaintiff does not accept this offer, she may become obligated to pay Verde's costs incurred after the making of this offer.

This offer of judgment is made for the purposes specified in Fed. R. Civ. P. 68, and shall not be construed as either an admission that Verde is liable in this action, or that Plaintiff has suffered any damage(s). This offer of judgment is intended to fully and finally resolve this action, including, without limitation, any and all claims for statutory damages, injunctive relief, and costs of litigation.

Respectfully submitted,

/s/ Kevin P. Allen

Kevin P. Allen

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Attorneys for Defendant,

Verde Energy USA, Inc.

Date: October 27, 2015

CERTIFICATE OF SERVICE

I certify that on this 27th day of October, 2015, I delivered a copy of the foregoing DEFENDANT VERDE ENERGY USA, INC.'S OFFER OF JUDGMENT upon the persons indicated below via email and via United States First-Class mail, postage prepaid, which service satisfies the requirements of the Federal Rules of Civil Procedure.

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/s/ Kevin P. Allen

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Dated: October 27, 2015